

SENATE BILL 4210

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 68
and Title 69, relative to water.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 7, is amended by adding the following language as a new part 4:

Section 69-7-401. This part shall be known and may be cited as the "Water Conservation and Emergency Preparedness Act of 2008".

Section 69-7-402. As used in this part, unless the context otherwise requires:

- (1) "Commissioner" means the commissioner of environment and conservation;
- (2) "Covered water system" means a community public water system of a municipality, county, authority, utility district, or a private utility regulated by TRA, except those serving rental units with fewer than 100 persons served;
- (3) "Department" means the department of environment and conservation;
- (4) "Public water system" has the same meaning as under the Safe Drinking Water Act, T.C.A. §68-221-701 et seq.;

Section 69-7-403.

(a) In accordance with a schedule to be set by the Commissioner, each community water system shall prepare and submit to the department a system water plan that includes the following components:

- (1) A water supply plan pursuant to § 69-7-405;
- (2) An emergency preparedness plan pursuant to § 69-7-406; and
- (3) A water conservation plan pursuant to § 69-7-407.

(b) The department shall review each system water plan and approve it if it meets the requirements under this part or disapprove it.

(c) The water system plan shall be implemented by the community water system within twelve (12) months after receiving written notification from the department that the plan complies with this part.

(d) The systems must review and revise their plans every five (5) years and resubmit them to TDEC for approval.

Section 69-7-404.

The Commissioner has the following powers:

(a) to delineate criteria for what the plans and annual reports required by this part must address and the format in which they must be submitted;

(b) to set the schedule for submittal;

(c) to provide technical assistance on the plans,

(d) to review and approve the plans.

(e) to gather information regarding, and promulgate rules requiring submission of, data on usage of water resources by others than community water systems;

(f) to delineate regions at risk for water shortages;

(g) to develop regional plans for water supply;

(h) to develop criteria and conditions for matching grants or loans for community water systems;

(i) to promulgate rules to carry out the provisions of this part;

(j) to provide technical assistance to the water systems under this part; and

(k) to issue administrative orders and assess civil penalties against any violators of this part.

Section 69-7-405.

The water supply plan shall include:

(a) maps and description of the system, including normal and emergency

sources, treatment systems, distribution lines, interconnections with other systems,
number of customers broken

down by residential and appropriate categories of commercial;

- (b) usage data, including average daily and maximum monthly usage for total system and for each source, including interconnections; maximum capacity of each source during worst case conditions; description of circumstances under which any source was unable to meet demand for reasons of quantity or quality; and

- (c) estimates of future demand, 5, 15 and 30 years out, including plans for expansion into new areas, for developing new sources, and for additional capacity from current sources;

Section 69-7-406. The emergency preparedness plan shall include:

- (a) drought/emergency response stages delineating the triggers and the actions at the different stages;

- (b) plan of action including public notice & education, emergency supplies and actions to be taken in emergencies to provide water; and

- (c) contact information for individuals authorized to make decisions in emergencies;

Section 69-7-407. The water conservation plan shall include:

- (a) actions to identify and reduce loss of water;

- (b) analysis and adoption of rate structures that encourage efficient use; and

- (c) development of alternatives to the use of potable water for purposes where it is not necessary, such as re-use, recycling, or use of other water, including education of the public, plumbers, and builders and other groups;

Section 69-7-408.

Each covered water system shall file an annual report with the department under this section.

Section 2. This Act shall take effect for purposes of rulemaking upon becoming a law and for all other purposes on July 1, 2008, the public welfare requiring it.